



Dkt. 30436.11US06/SBA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Peter S. Linsley et al.
Serial No. : 09/666,267 Examiner: P. Gambel
Filed : September 21, 2000 Group Art Unit: 1644
For : LIGAND FOR CD28 RECEPTOR ON B CELLS AND
METHODS

55 S. Lake Avenue, Suite 710
Pasadena, California 91101
September 23, 2002

Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

SIR:

PETITION UNDER 37 C.F.R. §1.182

Pursuant to M.P.E.P. §608.02(i), Applicants are hereby petitioning under 37 C.F.R. §1.182 to transfer the Formal Figures of "prior pending application" U.S. Serial No. 08/219,518 filed March 29, 1994 or U.S. Serial No. 08/219,116 filed March 29, 1994 for use in the subject application. This petition is being submitted in response to the Office Action dated April 22, 2002. No fee is deemed necessary in connection with this petition.

In the April 22, 2002 Office Action (Paper No. 8), the Examiner requested the submission of Formal Figures. The subject application is a divisional of an application containing the same figures and for which formal figures have already been filed. In fact

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the same set of formal figures has been submitted in connection with several related applications¹.

Pursuant to M.P.E.P. §608.02(i) Applicant may request the transfer for formal figures from a prior pending application upon the submission of a petition under 37 C.F.R. §1.182 demonstrating hardship. Below Applicants set forth the basis of their hardship:

1. The figures of the subject application correspond to figures previously filed in several other prior pending applications. (See U.S. Serial No. 08/219,518, filed March 29, 1994, now U.S. Patent No. 5,580,756 and U.S. Serial No. 08/219,116 filed March 29, 1994, now U.S. Patent No. 5,521,288).

2. To recreate another set of the same formal figures will be excessively timely and costly to Applicants. Because of the excessive and redundant cost to Applicants, Applicants will incur hardship in creating an additional set of formal figures which already exist in prior pending applications U.S. Serial No. 08/219,518 filed March 29, 1994, now U.S. Patent No. 5,580,756 and U.S. Serial No. 08/219,116 filed March 29, 1994, now U.S. Patent No. 5,521,288.

Accordingly, Applicants respectfully request that this petition be granted and that the formal figures of prior pending application U.S. Serial No. 08/219,518 filed March 29, 1994 and U.S. Serial No. 08/219,116 filed March 29, 1994, be transferred for use in connection with this application.

¹ See U.S.S.N. U.S. Serial No. 08/219,518 filed March 29, 1994 and U.S. Serial No. 08/219,116 filed March 29, 1994.

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No fee is deemed necessary in connection with the filing of this petition. However, if a fee is deemed necessary, Applicants authorize the Patent Office to charge the amount of any such fee to Deposit Account No. 50-0306.

Respectfully submitted,

Date: 9/23/02

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